

# 2024 -- H 7983 SUBSTITUTE B

LC005543/SUB B

## STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO HEALTH AND SAFETY -- STATE BUILDING CODE

Introduced By: Representatives Cruz, Potter, Diaz, Kislak, Kazarian, Giraldo, and Slater

Date Introduced: March 05, 2024

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-27.3-107.0, 23-27.3-107.4 and 23-27.3-108.2 of the General  
2 Laws in Chapter 23-27.3 entitled "State Building Code" are hereby amended to read as follows:

3 ~~23-27.3-107.0. Department of building inspection. State building code office.~~

4 There exists within the department of business regulation a state building code office. The  
5 office is comprised of the state building code commissioner and the commissioner's staff, the  
6 contractors' registration and licensing board, the building code commission, the design  
7 professionals unit, and the building code standards committee and all other applicable  
8 subcommittees.

9 ~~23-27.3-107.4. Qualifications and duties of the state building commissioner.~~  
10 Qualifications of the state building commissioner.

11 ~~(a) The state building commissioner shall serve as the executive secretary to the state~~  
12 ~~building code standards committee. In addition to the state building commissioner's other duties as~~  
13 ~~set forth in this chapter, the state building commissioner shall assume the authority for the purpose~~  
14 ~~of enforcing the provisions of the state building code in a municipality where there is no local~~  
15 ~~building official.~~

16 ~~(b)~~ The state building commissioner shall be a member of the classified service, and for  
17 administrative purposes shall be assigned a position in the department of business regulation.  
18 Qualifications for the position of the state building commissioner shall be established in accordance  
19 with provisions of the classified service of the state, and shall include the provision that the

1 qualifications include at least ten (10) years' experience in building or building regulations  
2 generally, and that the commissioner be an architect or professional engineer licensed in the state  
3 or a certified building official presently or previously employed by a municipality and having at  
4 least ten (10) years' experience in the building construction or inspection field.

5 **23-27.3-108.2. State building commissioner's duties. Duties of the state building code**  
6 **commissioner.**

7 (a) ~~This code shall be enforced by the state building commissioner as to any structures or~~  
8 ~~buildings or parts thereof that are owned or are temporarily or permanently under the jurisdiction~~  
9 ~~of the state or any of its departments, commissions, agencies, or authorities established by an act~~  
10 ~~of the general assembly, and as to any structures or buildings or parts thereof that are built upon~~  
11 ~~any land owned by or under the jurisdiction of the state.~~ The state building code commissioner shall  
12 have the authority to enforce and perform the duties required by the state building code, chapter 27  
13 of this title, and all codes referenced therein and adopted thereunder, and all other provisions of the  
14 general laws and public laws insofar as such powers and duties relate to building codes and building  
15 inspection.

16 (b) The state building code commissioner shall work to standardize building code  
17 interpretations across the state with input from the Rhode Island League of Cities and Towns and  
18 ensure consistent enforcement of the code throughout the state.

19 ~~(b)~~(c) Permit fees for the projects shall be established by the committee. The fees shall be  
20 deposited as general revenues.

21 ~~(c)~~(d)(1) The local cities and towns shall charge each permit applicant an additional ~~+~~  
22 ~~(.001)~~ one-tenth percent (0.1%) levy of the total construction cost for each commercial permit  
23 issued, and two-tenths percent (0.2%) levy of the total construction cost for each residential permit  
24 issued. The levy shall be limited to a maximum of ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100)  
25 for each of the permits issued for one- and two-family (2) dwellings. This additional levy shall be  
26 transmitted monthly to the state building office at the department of business regulation; and

27 (i) Fifty percent (50%) of this additional levy on residential permits and one hundred  
28 percent (100%) of this additional levy on commercial permits shall be used to staff and support the  
29 purchase or lease and operation of a web-accessible service and/or system to be utilized by the state  
30 and municipalities for uniform, statewide electronic plan review, permit management, and  
31 inspection system and other programs described in this chapter. ~~The~~ This portion of the fee levy  
32 shall be deposited as general revenues.

33 (ii) Fifty percent (50%) of this additional levy on residential permits shall be transferred to  
34 the department of labor and training and shall be deposited into the contractor training restricted

1 [receipt account, which shall be exempt from the indirect cost recovery provisions of § 35-4-27.](#)  
2 [Subject to appropriation by the general assembly, these funds shall be used to provide contractor](#)  
3 [training grants for programs that shall include, but are not limited to, minority business enterprises](#)  
4 [and state local building officials.](#)

5 (2) On or before July 1, 2013, the building commissioner shall develop a standard statewide  
6 process for electronic plan review, permit management, and inspection. The process shall include,  
7 but not be limited to: applications; submission of building plans and plans for developments and  
8 plots; plan review; permitting; inspections; inspection scheduling; project tracking; fee calculation  
9 and collections; and workflow and report management.

10 (3) On or before December 1, 2013, the building commissioner, with the assistance of the  
11 office of regulatory reform, shall implement the standard statewide process for electronic plan  
12 review, permit management, and inspection. In addition, the building commissioner shall develop  
13 a technology and implementation plan for a standard web-accessible service or system to be utilized  
14 by the state and municipalities for uniform, statewide electronic plan review, permit management,  
15 and inspection. The plan shall include, but not be limited to: applications; submission of building  
16 plans and plans for developments and plots; plan review; permitting; inspections; inspection  
17 scheduling; project tracking; fee calculation and collections; and workflow and report management.

18 ~~(d)~~(e) The building commissioner shall, upon request by any state contractor described in  
19 § 37-2-38.1, review, and when all conditions for certification have been met, certify to the state  
20 controller that the payment conditions contained in § 37-2-38.1 have been met.

21 ~~(e)~~(f) The building commissioner shall coordinate the development and implementation of  
22 this section with the state fire marshal to assist with the implementation of § 23-28.2-6. On or before  
23 January 1, 2022, the building commissioner shall promulgate rules and regulations to implement  
24 the provisions of this section and § 23-27.3-115.6.

25 ~~(f)~~(g) The building commissioner shall submit, in coordination with the state fire marshal,  
26 a report to the governor and general assembly on or before April 1, 2013, and each April 1  
27 thereafter, providing the status of the web-accessible service and/or system implementation and  
28 any recommendations for process or system improvement. In every report submitted on or after  
29 April, 2024, the building commissioner shall provide the following information:

30 (1) The identity of every municipality in full compliance with the provisions § 23-27.3-  
31 115.6 and the rules and regulations promulgated pursuant to the provisions of this section;

32 (2) The identity of every municipality failing to fully implement and comply with the  
33 provisions of § 23-27.3-115.6 and/or the rules and regulations promulgated pursuant to the  
34 provisions of this section, and the nature, extent, and basis or reason for the failure or

1 noncompliance; and

2 (3) Recommendations to achieve compliance by all municipalities with the provisions of §  
3 23-27.3-115.6 and the rules and regulations promulgated pursuant to this section.

4 ~~(g)~~(h) The building commissioner shall assist with facilitating the goals and objectives set  
5 forth in § 28-42-84(a)(9).

6 (i) The state building code commissioner shall serve as the executive secretary to the state  
7 building code standards committee.

8 (j) In addition to the state building code commissioner's other duties as set forth in this  
9 chapter, and notwithstanding the same, the state building code commissioner and the  
10 commissioner's staff shall assume the authority for the purposes of enforcing the provisions of the  
11 state building code in a municipality where there is no local building official or alternate as detailed  
12 in § 23-27.3-107.2, or where there are no local building inspectors.

13 SECTION 2. Chapter 23-27.3 of the General Laws entitled "State Building Code" is hereby  
14 amended by adding thereto the following section:

15 **23-27.3-108.3. State building code education and training academy.**

16 (a) There shall be a building code education and training program within the state building  
17 code office, which shall be overseen by the state building code commissioner or the commissioner's  
18 designee.

19 (b) The training program shall be responsible for implementing uniform building code  
20 education and training programs, with input from the Rhode Island League of Cities and Towns,  
21 for all building officials and inspectors statewide.

22 SECTION 3. Section 35-4-27 of the General Laws in Chapter 35-4 entitled "State Funds"  
23 is hereby amended to read as follows:

24 **35-4-27. Indirect cost recoveries on restricted receipt accounts.**

25 Indirect cost recoveries of ten percent (10%) of cash receipts shall be transferred from all  
26 restricted-receipt accounts, to be recorded as general revenues in the general fund. However, there  
27 shall be no transfer from cash receipts with restrictions received exclusively: (1) From contributions  
28 from nonprofit charitable organizations; (2) From the assessment of indirect cost-recovery rates on  
29 federal grant funds; or (3) Through transfers from state agencies to the department of administration  
30 for the payment of debt service. These indirect cost recoveries shall be applied to all accounts,  
31 unless prohibited by federal law or regulation, court order, or court settlement. The following  
32 restricted receipt accounts shall not be subject to the provisions of this section:

33 Executive Office of Health and Human Services

34 Organ Transplant Fund

1 HIV Care Grant Drug Rebates  
2 Health System Transformation Project  
3 Rhode Island Statewide Opioid Abatement Account  
4 HCBS Support-ARPA  
5 HCBS Admin Support-ARPA  
6 Department of Human Services  
7 Veterans' home — Restricted account  
8 Veterans' home — Resident benefits  
9 Pharmaceutical Rebates Account  
10 Demand Side Management Grants  
11 Veteran's Cemetery Memorial Fund  
12 Donations — New Veterans' Home Construction  
13 Department of Health  
14 Pandemic medications and equipment account  
15 Miscellaneous Donations/Grants from Non-Profits  
16 State Loan Repayment Match  
17 Healthcare Information Technology  
18 Department of Behavioral Healthcare, Developmental Disabilities and Hospitals  
19 Eleanor Slater non-Medicaid third-party payor account  
20 Hospital Medicare Part D Receipts  
21 RICLAS Group Home Operations  
22 Commission on the Deaf and Hard of Hearing  
23 Emergency and public communication access account  
24 Department of Environmental Management  
25 National heritage revolving fund  
26 Environmental response fund II  
27 Underground storage tanks registration fees  
28 De Coppet Estate Fund  
29 Rhode Island Historical Preservation and Heritage Commission  
30 Historic preservation revolving loan fund  
31 Historic Preservation loan fund — Interest revenue  
32 Department of Public Safety  
33 E-911 Uniform Emergency Telephone System  
34 Forfeited property — Retained

1 Forfeitures — Federal  
2 Forfeited property — Gambling  
3 Donation — Polygraph and Law Enforcement Training  
4 Rhode Island State Firefighter’s League Training Account  
5 Fire Academy Training Fees Account  
6 Attorney General  
7 Forfeiture of property  
8 Federal forfeitures  
9 Attorney General multi-state account  
10 Forfeited property — Gambling  
11 Department of Administration  
12 OER Reconciliation Funding  
13 Health Insurance Market Integrity Fund  
14 RI Health Benefits Exchange  
15 Information Technology restricted receipt account  
16 Restore and replacement — Insurance coverage  
17 Convention Center Authority rental payments  
18 Investment Receipts — TANS  
19 OPEB System Restricted Receipt Account  
20 Car Rental Tax/Surcharge-Warwick Share  
21 Grants Management Administration  
22 RGGI-Executive Climate Change Coordinating Council Projects  
23 Executive Office of Commerce  
24 Housing Resources Commission Restricted Account  
25 Housing Production Fund  
26 Department of Revenue  
27 DMV Modernization Project  
28 Jobs Tax Credit Redemption Fund  
29 Legislature  
30 Audit of federal assisted programs  
31 Department of Children, Youth and Families  
32 Children’s Trust Accounts — SSI  
33 Military Staff  
34 RI Military Family Relief Fund

1 RI National Guard Counterdrug Program  
2 Treasury  
3 Admin. Expenses — State Retirement System  
4 Retirement — Treasury Investment Options  
5 Defined Contribution — Administration - RR  
6 Violent Crimes Compensation — Refunds  
7 Treasury Research Fellowship  
8 Business Regulation  
9 Banking Division Reimbursement Account  
10 Office of the Health Insurance Commissioner Reimbursement Account  
11 Securities Division Reimbursement Account  
12 Commercial Licensing and Racing and Athletics Division Reimbursement Account  
13 Insurance Division Reimbursement Account  
14 Historic Preservation Tax Credit Account  
15 Marijuana Trust Fund  
16 Social Equity Assistance Fund  
17 Judiciary  
18 Arbitration Fund Restricted Receipt Account  
19 Third-Party Grants  
20 RI Judiciary Technology Surcharge Account  
21 Department of Elementary and Secondary Education  
22 Statewide Student Transportation Services Account  
23 School for the Deaf Fee-for-Service Account  
24 School for the Deaf — School Breakfast and Lunch Program  
25 Davies Career and Technical School Local Education Aid Account  
26 Davies — National School Breakfast & Lunch Program  
27 School Construction Services  
28 Office of the Postsecondary Commissioner  
29 Higher Education and Industry Center  
30 IGT STEM Scholarships  
31 Department of Labor and Training  
32 Job Development Fund  
33 [Contractor Training Restricted Receipt Account](#)  
34 Rhode Island Council on the Arts

- 1           Governors' Portrait Donation Fund
- 2           Statewide records management system account
- 3           SECTION 4. This act shall take effect on January 1, 2025.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HEALTH AND SAFETY -- STATE BUILDING CODE

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1           This act would amend various provisions relative to the duties of the state building  
2 commissioner and would establish a building code education and training program to educate  
3 building officials and inspectors statewide.

4           This act would take effect on January 1, 2025.

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